

Message Text

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ACTION SCSE-00

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FM AMCONSUL GUADALAJARA

TO SECSTATE WASHDC PRIORITY 2003

INFO AMEMBASSY MEXICO PRIORITY

UNCLAS GUADALAJARA 0484

E.O. 11652: N/A

TAGS: CASC MX

SUBJ: ARREST AND DETENTION

REF: GDL 483

FOR: SCS;

1. AT NOON JULY 11 I CALLED ON ACTING GOVERNOR OF JALISCO, LICENCIADO ROSAS BENITEZ, IN ABSENCE OF THE GOVERNOR WHO IS TRAVELING WITH PRESIDENT ECHEVERRIA ON TRIP ABROAD. I INFORMED LIC. ROSAS THAT THE REASON FOR MY REQUEST ON SHORT NOTICE FOR AN AUDIENCE WAS TO DISCUSS THE RECENT ROUND-UP AND ARRESTS OF NUMEROUS INDIVIDUALS, IN PARTICULAR THE AMERICAN CITIZENS INCLUDED IN THE ROUND-UP.

2. I STATED IN SUBSTANCE THE U.S. GOVERNMENT, WHILE RESPECTING THE RIGHT OF MEXICO TO ESTABLISH ITS OWN PROCEDURES FOR DETENTION AND ARREST OF PEOPLE IN ITS OWN TERRITORY, WISHES TO POINT OUT THAT MEXICO HAS AN OBLIGATION UNDER ARTICLE VI, CONSULAR OFFICERS CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND MEXICO. IN THE CASE OF THE AMERICAN CITIZENS MENTIONED IN REFTEL WE LEARNED OF THEIR ARREST IN THE PRESS. NOT ONLY WAS THIS EMBARRASSING BUT IN ADDITION WE RECEIVED TELEPHONE CALLS FROM THEIR FAMILIES AND ATTORNEYS IN THE U.S. AND WERE UNABLE TO FURNISH APPROPRIATE INFORMATION PERTAINING TO THE CIRCUMSTANCES OF THEIR ARREST OR THE DATES OF ARRESTS. I CONTINUED THAT IN ADDITION, YESTERDAY MORNING, JULY 10, A
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CONSULAR OFFICER CALLED AT THE OFFICE OF THE FEDERAL

PROSECUTING ATTORNEY, DESPITE NOT BEING OFFICIALLY NOTIFIED OF THE DETENTION OF U.S. CITIZENS, TO REQUEST ACCESS. HE WAS INFORMED TO RETURN IN THE EVENING AS THE CHIEF WAS NOT THERE TO AUTHORIZE ACCESS. THE CONSULAR OFFICER REFUSED TO DEPART AND AFTER WAITING OVER THREE HOURS, FINALLY MADE CONTACT WITH A FEDERAL POLICE OFFICER, KNOWN TO THE CONSULATE GENERAL, WHO ARRANGED ACCESS TO THE AMERICAN PRISONERS.

3. FURTHER INFORMED LIC. ROSAS THAT NOT ONLY DO I WANT TO BRING THE ABOVE TO HIS ATTENTION, BUT ALSO WANT TO ENLIST HIS COOPERATION. MENTIONED THAT PRESS ACCOUNTS REPORTED SOME AMERICAN CITIZENS ARE IN JAIL IN CONNECTION WITH THIS ROUND-UP IN PUERTO VALLARTA AND WOULD APPRECIATE CONFIRMATION.

4. IN RESPONSE THE ACTING GOVERNOR SAID THAT SOME VIOLATIONS OF LAW ARE FEDERAL AND OTHERS NON-FEDERAL. IN THIS CASE HE ADMITTED THAT THE ACTION WAS TAKEN BY FEDERAL AUTHORITIES BECAUSE OF THE SERIOUSNESS OF THE ALLEGED CRIMES COMMITTED. HE ADDED THAT FOR THIS REASON THE JALISCO STATE AUTHORITIES WERE MERELY KEPT INFORMED BY THE FEDERAL AUTHORITIES WHO ARE REALLY NOT OBLIGED TO DO SO EITHER LEGALLY OR MORALLY. HE CONTINUED BY EXPRESSING THE OPINION THAT AUTHORITIES CANNOT ALWAYS DETERMINE THE NATIONALITY OF INDIVIDUALS WITHOUT EVIDENCE AS IN SOME INSTANCES PRISONERS WILL USE LATIN NAMES AS ALIASES. HE FURTHER OPINED THAT THE SIZE OF THIS OPERATION AND GRAVE SECURITY SITUATION ADVERSELY AFFECTING THE PUBLIC WHICH BROUGHT IT ABOUT COULD EASILY RESULT IN UNINTENTIONAL FAILURE TO NOTIFY OFFICIALLY THE ACCREDITED REPRESENTATIVES OF THOSE ALIENS APPREHENDED.

5. THE ACTING GOVERNOR SAID THAT HE WILL COMMUNICATE WITH THE APPROPRIATE FEDERAL PROSECUTING ATTORNEY IN ORDER TO EFFECT PROPER OFFICIAL NOTIFICATION AND PROMPT ACCESS TO THE CONSULATE GENERAL IN THE FUTURE.
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